# IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 582 OF 2005

IN

APPEAL FROM ORDER NO. 65 OF 2004

SHANU J.VELIP(SIN.DEC.) THROU'L.RS., ....Applicants

Versus

SHRI GANESH S.VELIP AND 7 ORS., ....Respondents

Ms. Susan Linhares, advocate for the applicants.
Mr. G. M. Kudchadkar, advocate for respondent nos.l,2,3,5 & 6.

Coram:- R. M. LODHA, J.

Date:- 24th August, 2005

P.c.

Heard.

There is no justification in not acceding to the prayer made in the Civil Application for showing the respondent no.3 as deceased in the cause title of the appeal memo. The applicants have not prayed for substitution of respondent no.3 and have only prayed that respondent no.3 be shown as deceased, to which there cannot be any justifiable objection by the respondents. The effect of this is that as against respondent no.3, no order can be passed in this appeal.

The Civil Application is, accordingly granted by permitting the applicants to amend the cause title of the appeal memo by indicating respondent no.3 as deceased. The necessary amendment be carried out within one week from today.

R. M. LODHA, J.